



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3693 of 2022

K.Maruthu

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Cr.No.8/2022) .

... Respondent/Complainant

For Petitioner : M/s.Satish Rajkumar E,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.8 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 15.01.2022 for the offences punishable under Sections 420 and 120(b) of IPC @ 120(b), 420 and 34 of IPC r/w 489(B) and 489 (C) of IPC, in Crime No.8 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused borrowed a sum of Rs.3,00,000/- from the de-facto complainant and thereafter, cheated the de-facto complainant by circulating fake currency notes. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor would submit that the petitioner and other accused persons had cheated the de-facto complainant and attempted to circulate fake currency notes illegally.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is not having any previous case for similar or serious offence and that the petitioner is in judicial custody from 15.01.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Sivakasi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/02/2022

/ TRUE COPY /

23/02/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.2
SIVAKASI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE,
VIRUDHUNAGAR SUB JAIL,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3693 of 2022

Date :23/02/2022

RS/VR/SAR.3(23.02.2022) 3P-6C